

3963. Adulteration and misbranding of brandy. U. S. * * * v. The Mihalovitch Co., a corporation. Plea of guilty. Fine, \$50 and costs. (F. & D. No. 5869. I. S. Nos. 2331-e, 2332-e.)

On March 25, 1915, the United States attorney for the Southern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against The Mihalovitch Co., a corporation, Cincinnati, Ohio, alleging shipment by said company, in violation of the Food and Drugs Act, on or about September 13, 1912, from the State of Ohio into the State of Georgia, of 2 brands of so-called cognac brandy, which were adulterated and misbranded. One of the brands was labeled: (On principal label) "Cognac Type Renard Freres Brand Guaranteed under the Food and Drugs Act, June 30th, 1906. No. 858. Renard Freres Brand." (On sticker on back of bottle) "Guaranteed by The Mihalovitch Co. under the National Food and Drugs Act, June 30, 1906." (On bottle cap) "Renard Freres & Cie Cognac RF&Cie." The other brand was labeled: (On principal label) "DFC Dupre Freres & Cie. Brand Cognac Type." (On bottle cap) "Dupre Freres & Cie DFC COGNAC." (On sticker on back of bottle) "Guaranteed by The Mihalovitch Co. under the National Food and Drugs Act, June 30, 1906."

Analyses of samples of these products by the Bureau of Chemistry of this department showed the following results, expressed as parts per 100,000 of 100° proof, unless otherwise noted:

Sample 1:

Proof (degrees).....	76.9
Methyl alcohol (Riche & Bardy method): Absent.	
Solids.....	100.4
Acids, total, as acetic.....	10.9
Esters, total, as acetic.....	16.0
Aldehydes, total, as acetic.....	2.1
Furfural.....	0.13
Fusel oil (Allen & Marquardt method).....	21.7
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof).....	7.8
Color (per cent insoluble in amyl alcohol).....	64.0

The product consists of a mixture of neutral spirits and brandy.

Sample 2:

Proof (degrees).....	76.7
Methyl alcohol (Riche & Bardy method): Absent.	
Solids.....	99.8
Acids, total, as acetic.....	12.5
Esters, total, as acetic.....	18.3
Aldehydes, total, as acetic.....	2.1
Furfural.....	0.13
Fusel oil (Allen & Marquardt method).....	22.9
Color (degrees, Lovibond, 0.5-inch cell, to 100° proof).....	7.8
Color (per cent insoluble in amyl alcohol).....	60.0

The product consists of a mixture of neutral spirits and brandy.

Adulteration of the products was alleged in the information for the reason that a certain substance, to wit, an imitation brandy of domestic origin, consisting largely of neutral spirits, had been substituted wholly for cognac, which the articles then and there purported to be. It was alleged in the information that the articles were misbranded in the following particulars, to wit:

1. The statement "cognac," borne on the cap of each of the bottles, was false and misleading in that it represented said articles to be foreign products, to wit, brandies made in the cognac district of France, whereas, in truth and in fact, said articles were not brandies made in the cognac district of France, but were articles of domestic

manufacture, to wit, imitation brandies consisting largely of neutral spirits, manufactured in the United States of America.

2. Said articles purported to be foreign products when not so, and were labeled and branded as aforesaid, so as to deceive and mislead purchasers thereof into the belief that said articles were brandies produced in the cognac district of France, whereas, in truth and in fact, said articles were not brandies produced in the cognac district of France, but were imitation brandies of domestic origin and manufacture, consisting largely of neutral spirits.

3. That the statement "cognac type," borne on the label of each of said bottles, was false and misleading in that it represented said articles to be brandies of the cognac type, that is, brandies of a kind or type similar to those produced in the cognac district of France, whereas, in truth and in fact, said articles were not brandies of the cognac type, but were imitation brandies, consisting largely of neutral spirits.

4. That said articles were labeled and branded "cognac type" so as to deceive and mislead the purchasers thereof into the belief that said articles were brandies of the cognac type, that is, brandies of a kind or type similar to those produced in the cognac district of France, whereas, in truth and in fact, they were not brandies of the cognac type, but were imitation brandies, consisting largely of neutral spirits.

On April 21, 1915, the defendant company entered a plea of guilty to the information, and the court imposed a fine of \$50 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 17, 1915.*